

UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte FRANK RUI-FENG CHU, NOBORU KAMIJO,
and DENNY DUAN-LEE TANG

Application No. 09/768,829

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 8, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Appellants filed Information Disclosure Statements (IDS's) on December 8, 2004 and May 9, 2005. It is not clear from the record whether the examiner considered the statements submitted or whether the examiner notified appellants of why their submissions did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Moreover, on page 14 of the Final rejection mailed on June 15, 2004, the examiner rejected claims 15, 16, 18, 19 and 30 under 35 U.S.C. § 103 as being unpatentable over Lu in view of

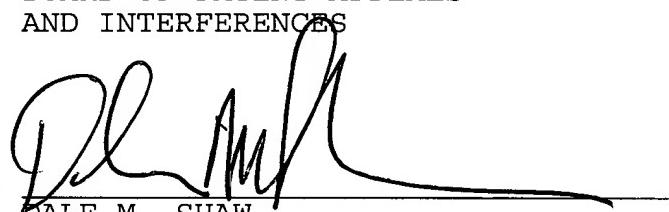
Wang. However, on page 4 of the Examiner's Answer mailed on December 27, 2004, the examiner omits claim 30 from this particular rejection. Therefore, it is not clear whether the examiner has dropped claim 30 from this rejection or whether the examiner has inadvertently omitted claim 30.

Accordingly, it is

ORDERED that the application is returned to the examiner to clarify the rejection of claim 30 with respect to the rejection over Lu in view of Wang, to notify appellants in writing as to the rejection of claim 30 over Lu in view of Wang, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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